

**Draft Minutes**  
**Scientific Advisory Committee Meeting**  
**January 5, 2010**  
**Department of Forensic Science, Central Laboratory, Classroom 1**

**Committee Members Present**

John M. Butler, Ph.D.  
Dale Carpenter, Ph.D., Chair  
Jo Ann Given  
Dan Krane, Ph.D.  
Pete Marone  
Alphonse Poklis, Ph.D.  
Norah Rudin, Ph.D.  
Kenneth Smith  
Jami J. St. Clair

**Committee Members Absent**

Jose R. Almirall, Ph.D.  
Frederick Bieber, Ph.D.  
D. Christian Hassell, PhD.  
Thomas L.G. Price

**Staff Members Present**

Wanda Adkins, Office Manager  
Jeffrey Ban, Central Laboratory Director  
David Barron, Ph.D. Technical Services Director  
Guinevere Cassidy, Legal Assistant  
Ann Davis, Physical Evidence Program Manager  
Leslie Ellis, Human Resources Director  
Gail Jaspen, Chief Deputy Director  
Linda Jackson, Chemistry Program Manager  
Bradford Jenkins, Biology Program Manager  
Alka Lohmann, Training and Calibration Program Manager  
Kevin Patrick, Western Laboratory Director  
Steven Sigel, Deputy Director  
Susan Uremovich, Eastern Laboratory Director  
Amy Wong, Northern Laboratory Director

**Call to Order**

Chairman Carpenter called the meeting of the Scientific Advisory Committee ("Committee") to order at 10:30 a.m. Chairman Carpenter introduced and welcomed returning member Jo Ann Given and new member Jami St. Clair to the Committee.

47 **Adoption of Agenda**

48  
49 Chairman Carpenter asked if there were any additions or changes to the draft agenda for the  
50 meeting. Being none, Mr. Marone moved to adopt the agenda which was seconded by Dr. Poklis  
51 and adopted by unanimous vote of the Committee.  
52

53 **Adoption of Minutes**

54  
55 Chairman Carpenter asked if there were any changes or corrections to the draft minutes from the  
56 August 11, 2009 meeting. Being none, Mr. Marone moved to adopt the minutes of the August  
57 11, 2009 meeting which was seconded by Ms. Given and adopted by unanimous vote of the  
58 Committee.  
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60 **Chair's Report**

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62 Chairman Carpenter stated that he would reserve his remarks until later in the meeting.  
63

64 **Report of the Biology Subcommittee**

65  
66 Dr. Rudin, Chair of the Biology Subcommittee ("Subcommittee"), informed the Committee that  
67 the Subcommittee met earlier that day prior to the Committee's meeting to review capillary  
68 electrophoresis ("CE") protocol issues previously discussed during the Subcommittee's August  
69 meeting. There remain two issues that require additional data and review prior to validation by  
70 the Subcommittee. The first issue is the statistical basis for the 4-locus minimum for inclusion  
71 and the second being the implementation of the stochastic threshold per that which is being  
72 considered by SWGDAM. It is anticipated that the Department of Forensic Science ("DFS")  
73 will provide the Subcommittee with additional data for its review and a validation of the  
74 protocols will occur in May/June of 2010.  
75

76 Brad Jenkins, DFS Biology Program Manager presented an update on the training and  
77 implementation of the CE platform with the PowerPlex 16, 3130xl instrument. The DNA  
78 Databank went online in October 2009, the Central Laboratory in November 2009, and the  
79 Western and Eastern Laboratories over the last days in 2009. It was decided that cases initially  
80 worked in the previous DNA platform which have not concluded will be closed out using that  
81 technology in order to use the remainder of chemical processes in stock as a fiscally responsible  
82 use of the remaining materials in stock. Approximately 54 examiners throughout the state have  
83 completed the training and are on line with the CE platform. The training included lectures,  
84 outside training opportunities, reading lists, staff testing, data tests, proficiency tests and written  
85 tests. Mr. Jenkins further informed the Committee that he made trips to the regional labs to  
86 make presentations and for the setting up of the instruments. Excel worksheets have been  
87 developed for consistent reporting throughout the laboratory system. Currently there are four  
88 instruments at the Central Laboratory, two at the Eastern Laboratory and one each at the  
89 Northern and Western Laboratories.  
90

91 Discussion by the Committee ensued.  
92

93 **DFS Director's Report**

94  
95 DFS Director Pete Marone informed the Committee that the Northern Laboratory has moved into  
96 its new facility and is open. The new Northern Laboratory project is completed and came in  
97 slightly under budget. The Western Laboratory purchased the land adjacent to it from the School  
98 Board. The land was purchased for expansion of the Laboratory sometime in the future. The  
99 Eastern Laboratory has begun an expansion project into the 5<sup>th</sup> floor of its building. The project  
100 is in the bids, planning and contract stage. The Central Laboratory is in the process of moving its  
101 administrative section to the first floor. This will allow for the expansion of lab spaces for  
102 several disciplines.

103  
104 Regarding budgeting and staffing, Director Marone informed the Committee that the amount of  
105 witness subpoenas received for its examiners to appear in court has increased markedly as a  
106 result of the *Melendez-Diaz* decision by the U.S. Supreme Court. As a result the amount of time  
107 the examiners are out of the lab traveling to and from court, appearing at court, testifying and  
108 other related tasks has also increased with a resulting impact on the budget. As a result of the  
109 decrease in hours in the lab the backlog has increased which has necessitated overtime hours in  
110 the lab in addition to the increase in the travel budget to get examiners to and from court.

111  
112 Director Marone informed the Committee that money has been allocated to DFS for the  
113 recruitment of three toxicology positions. At this time DFS in the telephone interview stage of  
114 the hiring process for these positions. The hiring of the three toxicology positions should help  
115 relieve some of the *Melendez-Diaz* effect in the Toxicology area.

116  
117 Regarding grants, Director Marone informed the Committee that the following grants have been  
118 awarded to DFS: FY09 Solving Cold Cases with DNA, \$490,960 to review and investigate  
119 violent crime cold cases and to locate and analyze biological evidence associated with these  
120 cases; FY09 forensic DNA Backlog Reduction Program, \$950,167 to reduce the case backlog  
121 and to increase the DNA analysis capacity in the Forensic Biology Section; FY09 Convicted  
122 Offender and/or Arrestee DNA Backlog Reduction Program, \$171,579 to reduce the current  
123 backlog in the DNA Data Bank; and 2010 Highway Safety ("DMV") Program, \$136,469 to  
124 provide reimbursement of travel costs for law enforcement officers traveling to Richmond for  
125 breath alcohol training.

126  
127 Director Marone further informed the Committee that DFS has applied for the 2010 Justice  
128 Assistance Grant ("JAG") Program which makes funds available through the Department of  
129 Criminal Justice Services ("DCJS") to prevent and control crime and improve the functioning of  
130 the criminal justice system. With approval of the Forensic Science Board ("FSB") Chair and  
131 Vice Chair on November 17, 2009, DFS submitted four grant proposals to fund projects relating  
132 to the (i) Digital and Multimedia Evidence Section; (ii) Forensic Science Academy; (iii)  
133 Information Technology Section; and (iv) Breath Alcohol Section. DCJS has invited DFS to  
134 submit full proposals for two of the four proposals. The first proposal is the Digital and  
135 Multimedia Evidence Section Project. This project would involve the acquisition of four  
136 complete computer systems and associated hardware and software to enhance service delivery.  
137 This will allow two qualified examiners to each be using two computers simultaneously to  
138 image, process and analyze data. The second proposal is the Forensic Science Academy Project.

139 This project would obtain and utilize grant funding for the training and personal certification  
140 testing of Forensic Science Academy ("FSA") students and FSA graduates. Certification of  
141 personnel who process crime scenes and collect physical evidence has been identified as an  
142 emerging need within the forensic science community by the National Research Council of the  
143 National Academies. DFS proposes to incorporate certification test preparation, materials, as  
144 well as test administration into its Forensic Academy. The full proposals are due in February  
145 2010.

146  
147 Director Marone informed the Committee that DFS has added an ethics addendum as part of the  
148 yearly examiner review process. The ethics addendum will be added to the yearly EWP's that are  
149 signed by the examiner each year at their review.

150  
151 Discussion by the Committee ensued.

152  
153 Chairman Carpenter reminded the Committee that at its last meeting in light of the recent  
154 National Academy of Science Report they discussed a proposed systematic look at all protocols  
155 used by the DFS. Chairman Carpenter proposed that during "downtimes" when the Committee  
156 was not tasked with a project by the Governor, FSB or DFS that it would look at the protocols of  
157 each of the disciplines individually. At each Committee meeting the DFS Program Manager  
158 from a given discipline would make a presentation regarding the protocols currently employed  
159 by DFS with a presentation at this meeting regarding the Controlled Substances protocols. The  
160 Chairman would then appoint a subcommittee chairman to preside over the protocol review and  
161 any member of the Committee could volunteer to be on a given subcommittee. After the  
162 protocol presentation by the Program Manager and in the period prior to the next Committee  
163 meeting all members of the subcommittee would review the protocols and note any questions or  
164 issues. Via email, each subcommittee member will present its questions/issues to the Committee  
165 Secretary, Guinevere Cassidy who will then forward them to the subcommittee chairman and the  
166 DFS Program Manager. Responses to the questions/issues will be emailed to Ms. Cassidy who  
167 will then forward them back to the originating subcommittee member. Ms. Cassidy will keep a  
168 file of all question/issue and response emails for the subcommittee. It is anticipated that all  
169 questions/issues raised regarding a protocol will be resolved through the email process. Any  
170 unresolved questions/issues will be reviewed at a meeting of the subcommittee to be held earlier  
171 in the same day as the next Committee meeting.

172  
173 Discussion by the Committee ensued.

174  
175 Chairman Carpenter introduced DFS Chemistry Program Manager Linda Jackson. Ms. Jackson  
176 made a presentation to the Committee of the protocols for analysis and reporting in the  
177 Controlled Substances section of DFS.

178  
179 Discussion by the Committee ensued.

180  
181 Chairman Carpenter appointed Dr. Almirall as Chairman of the Controlled Substances  
182 Subcommittee ("CS Subcommittee").  
183

184 Regarding the impact of the *Melendez-Diaz* Supreme Court decision on DFS, Chief Deputy  
185 Director Gail Jaspen informed the Committee that the largest impact on DFS is felt in the  
186 Toxicology, Drugs and Breath Alcohol sections. In August 2009 the General Assembly had a  
187 special session shortly after the decision to bring order to the impact of the decision on the  
188 Commonwealth. Ms. Jaspen presented charts regarding the marked increase of receipt of  
189 witness subpoenas for DFS examiners to appear in court. The numbers of subpoenas have  
190 slightly decreased since the issuance of the *Melendez-Diaz* decision on June 25, 2009 and it is  
191 anticipated that they will continue to decrease slightly but it is anticipated that the numbers will  
192 never be like those prior to the decision.

193  
194 **Old Business**

195  
196 None

197  
198 **New Business**

199  
200 None

201  
202 **Public Comment**

203  
204 None

205  
206 **Next Meeting**

207  
208 The next meeting of the Scientific Advisory Committee is tentatively scheduled for August 10,  
209 2010 at 9:00 a.m. pending the Board's scheduling of their August 2010 meeting

210  
211 **Adjournment**

212  
213 Chairman Carpenter asked if there was a motion to adjourn. Director Marone moved that the  
214 meeting of the Committee be adjourned which was seconded by Dr. Krane and passed by  
215 unanimous vote.

216  
217 The meeting adjourned at 12:40 p.m.